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SIPDIS

SENSITIVE

STATE FOR SCA/CEN (PERRY), EB/IPE (CLACROSSE), INL
(HOOKER)
DEPT PASS TO USTR JCHOE-GROVES, DOC JBOGER
DOC PASS TO USPTO JURBAN, LOC STEPP

SIPDIS

E.O. 12958: N/A
TAGS: [KIPR](#) [BTIO](#) [ETRD](#) [ECON](#) [SNAR](#) [TX](#)
SUBJECT: TURKMENISTAN: 2006 SPECIAL 301 REVIEW

Ref: State 014937

¶1. (U) The 2006 Special 301 review process was announced to the Government of Turkmenistan via diplomatic note on February 1. Post recommends keeping Turkmenistan on the 2006 Special 301 Watch List and suggests including the following paragraph on Turkmenistan in the 2006 Special 301 report:

¶2. (U) Turkmenistan has been on the Watch List since 2000, and it will remain on the Watch List in 2006 due to its lack of progress on IPR issues during the past year. Turkmenistan has numerous remaining steps to take in order to fulfill its IPR obligations under the 1993 U.S.-Turkmenistan Trade Agreement. Specifically, Turkmenistan is a member of neither the Berne Convention nor the Geneva Phonograms Convention, and it has not yet signed the WIPO Internet Treaties. Although the Civil and Criminal Codes provide some degree of IPR protection and punishment for copyright violations and the Civil Code provides for counterfeited goods' confiscation by a court decision, Turkmenistan has yet to adopt more explicit and comprehensive administrative and civil procedures and criminal penalties for IPR violations. Turkmenistan has not adopted a separate Copyright Law and consequently does not provide any protection to foreign sound recordings or pre-existing works. IPR enforcement is inadequate because the Customs Code does not provide ex officio authority to seize suspected infringing material at the border. There are no known civil exQte search procedures. The United States urges Turkmenistan to join appropriate international agreements and adopt the national legal reforms that will bring Turkmenistan into compliance with its obligations under the bilateral 1993 U.S.-Turkmenistan Agreement, and to undertake enforcement activities that will help strengthen its IPR regime.

Training

¶3. (U) Post proposes IPR basic-concepts training for GOTX officials dealing with IPR issues. The primary goal of the training would be to improve the enforcement and protection of intellectual property rights based on existing legislation. The training would also highlight deficient areas of compliance in Turkmenistan's copyright laws.

¶4. (SBU) The project would build on previous USG-funded efforts. Under the U.S.-Central Asia TIFA agreement, a

State Customs Service (SCS) representative from Turkmenistan attended the WIPO-UN/ECE-WCO sub-regional seminar on enforcement of intellectual property rights and a TIFA working group meeting held in Almaty, Kazakhstan in July 2005. The Customs official told EmbOff that all law enforcement officers in Turkmenistan need the conference information. A representative of Turkmenistan's Interior Ministry attended a USPTO Global Intellectual Property Academy on Enforcement of Intellectual Property Rights from January 24-27, at USPTO Headquarters in Alexandria, Virginia, and confirmed that IPR training for Turkmenistani law enforcement officers is essential to ensure proper IPR enforcement. After IPR meetings in 2005 with officials in the Ministry of the Interior (MVD) and the Ministry of Culture (MOC), coupled with the SCS feedback, post is confident that there is a lack of awareness in the government concerning IPR. Three GOTX agencies have already expressed interest in basic IPR training.

15. (SBU) The proposed training would 1) raise awareness about IPR protection and violation among legislative and law enforcement agencies to better understand relevant international standards and allow more efficient legislation and law enforcement activities; 2) develop skills for police, customs, prosecutors and other relevant law enforcement officials aimed at improving the agencies' capacity to protect IPR: preventing transshipments of pirated and counterfeit goods through a cooperative training program. The project will include the following activities: 1) Police, customs, prosecutors, judicial officers and officials from relevant legislative and law enforcement agencies will attend a USPTO training course in the United States; 2)

ASHGABAT 00000207 002 OF 002

USG-funded conference defining international standards for the protection of IPR and evaluating the potential for local IPR protection organized in cooperation with the MVD, the SCS, the Prosecutor General, the Ministry of Justice, the Mejlis (Parliament), the MOC and other relevant agencies, focused on basic IPR concepts, IPR protection and enforcement, transshipment issues and tools on how to prevent the transshipment of pirated and counterfeit goods.

16. (U) Post welcomes the opportunity to discuss further the training proposals. Embassy point of contact is Pol/Econ Officer Carla Gonneville (GonnevilleCA@state.gov).

JACOBSON